

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on January 15, 2003, the Examiner required a restriction to the claim set, wherein Group I includes claims 1-10 and 16-20, Group II includes claims 11-15, and Group III includes claims 16-20. A provisional election was made without traverse to prosecute the invention of Group II. Applicant hereby affirms the election of Group II. Accordingly, claims 1-10 and 16-20 were withdrawn from further consideration by the Examiner as being drawn to a non-elected invention.

In the Office Action, the Examiner rejected claim 11 under 35 U.S.C. § 102(b) as being anticipated by Josephine Severn (a publication obtained from the INTERNET <http://www.acay.com.au/~severn/handmade.htm>, hereinafter "Severn"). The Examiner further rejected claims 11-15 under 35 U.S.C. § 103(a) as being unpatentable over Severn. Accordingly, Applicant provides the following:

Rejection under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claim 11 under 35 U.S.C. § 102(b) as being anticipated by Severn. Applicant respectfully submits that claim 11 as amended herein is not anticipated by Severn.

Claim 11 as amended herein includes a limitation of "a flower on which an image has been machine printed, wherein the flower is in a natural configuration." In contrast, Severn teaches the utilization of flower parts in manufacturing paper. In particular, Severn teaches a "rag paper" that contained "dried yellow freesia blossom," wherein the manufacturing process included the use of a blender. (See page 6) In Severn, each of the flower parts utilized to make paper have undergone a process that places the flower parts in a non-natural configuration. For example the flower parts may be finely chopped (blended) for use in making paper. As a minimum, the flower parts of Severn would need to be flattened in order to manufacture paper.

Thus, for at least the reason that the flower of claim 11 is in a natural configuration, Applicant respectfully submits that Severn does not teach or disclose each and every limitation of claim 11. Accordingly, Severn does not anticipate claim 11.

Rejection under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 11-15 under 35 U.S.C. § 103(a) as being unpatentable over Severn. Applicant respectfully submits that claims 11-15 as amended herein are not made obvious by Severn.

The prior art fails to teach, suggest or otherwise provide a manner to machine print an image on a natural configuration of a flower. In part, this is due to the shape of the natural flower configuration. As provided above, Severn teaches using flower parts to manufacture paper. The flower parts undergo a process (e.g., being blended) that changes the natural configuration of the flower parts in order to manufacture the paper.

Other references further confirm the inability of the prior art to machine print an image on a natural configuration of a flower. For example, United States Patent No. 5,305,550, hereinafter "Skonecki," discloses a flower having a personalized message inscribed thereon. One of the petals includes a personalized message or drawing written on an outer surface thereof. (See col. 1, lines 47-55) Skonecki teaches that the message or drawing is written by a pen, and indicates that a Pilot pen is preferred due to its fine tip. (See col. 2, lines 1-18) Skonecki further teaches that "the Pilot pen is used to write on the surface of the petal ..." (See col. 2, lines 19-22) Accordingly, Skonecki does not teach, suggest or disclose an ability to machine print an image on a natural configuration of a flower, and is an example that the prior art fails to teach, suggest or otherwise provide a manner to machine print an image on a natural configuration of a flower.

Other references that further confirm the inability of the prior art to machine print an image on a natural configuration of a flower is United States Patent Nos. 6,172,328 B1 and 6,180,914 B1, hereinafter the "Jones Patents." The Jones Patents disclose etching, cutting and/or altering, the surface of a flower, plant, cut foliage, or foliage incorporated into consumable products such as cigars with laser energy to affect a desired artistic or utilitarian design or marking. (See Abstracts) Accordingly, the Jones Patents do not teach, suggest or disclose an ability to machine print an image on a natural configuration of a flower, and are other examples that the prior art fails to teach, suggest or otherwise provide a manner to machine print an image on a natural configuration of a flower.

In contrast, each of the independent claims of the present invention as provided herein, namely independent claims 11 and 24, includes a limitation relating to a flower or a flower petal on which an image has been machine printed. And, in light of the inclusion of this limitation, the standard for a Section 103 rejection is set for in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicant respectfully submits that none of the prior art references, alone or in any combination thereof, teach or suggest a limitation relating to a flower or a flower petal on which an image has been machine printed. For at least this reason, Applicant respectfully submits that none of the references or any combination thereof teach or suggest all the limitations of

independent claims 11 and 24. And, since the prior art references cited by the Examiner do not teach or suggest each and every limitation of independent claims 11 and 24, Applicant respectfully submits that the prior art references do not make obvious claim 11 or claim 24.

Similarly, for at least the reasons provided herein, Applicant respectfully submits that claims 12-15 and 21-23, which depend from independent base claim 11, are not made obvious by the prior art references. Likewise, for at least the reasons provided herein, Applicant respectfully submits that claims 25-30, which depend from independent base claim 24, are not made obvious by the prior art references.

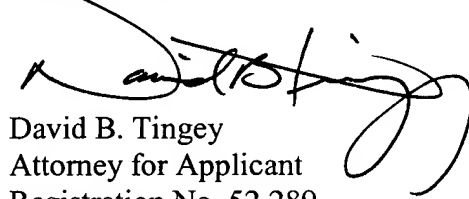
Thus, Applicant respectfully submits that none of the claims of the claim set provided herein is either anticipated nor made obvious from the prior art references. Further, Applicant respectfully submits that the amendments provided herein do not include new matter, as they are supported by the disclosure of the present invention as originally filed.

CONCLUSION

Applicant submits that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 15th day of April, 2003.

Respectfully submitted,



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